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Delford Ian Christmas

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EXAMINER

KLINKEL, KORTNEY L

ART UNIT

PAPER NUMBER

1611

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,926	Applicant(s) CHRISTMAS ET AL.	
	Examiner Kortney L. Klinkel	Art Unit 1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,10-21,24,25 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 10-21, 24-25 and 31-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status

Acknowledgement is made of the remarks and amendments filed 1/30/2009. Claims 1 and 24 were amended. Claims 2 and 4 were canceled. Claims 31 and 32 were newly added.

Claims 1, 3, 5, 10-21, 24-25 and 30-32 are pending.

Claim 30 remains withdrawn for being directed to a non-elected invention. Please note that in the amendments filed 1/30/2009, claim 3 was marked withdrawn. However, it is the position of the examiner, since o-benzyl-p-chlorophenol is listed as one of the non-cationic antimicrobial agents, that claim 3 is not withdrawn.

Claims 1, 3, 5, 10-21, 24-25 and 31-32 are under consideration in the instant Office action.

Withdrawn Claim Objections/Rejections

Claim Objections

The objection to claim 24 under 37 CFR 1.75(c) as being in improper form is withdrawn in light of applicant's claim amendments.

Claim Rejections - 35 USC § 103

The rejection of claims 1-2,4-5,10-15,25 under 35 U.S.C. 103(a) as being unpatentable over Michael (US Patent No. 5,540,864; Issued Jul.30,1996) is withdrawn, see discussion below.

The rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Michael (US Patent No. 5,540,864; Issued Jul.30,1996) as evidenced by Dangman, .et al. (US patent No. 5,335,373; Issued Aug. 9, 1994), as applied to claims 1-2 above, and further in view of Scepanski (US Patent No. 5,977,183; Issued Nov.2,1999) is withdrawn see discussion below.

The rejection of claims 16-21 under 35 U.S.C. 103(a) as being unpatentable over Michael (US Patent No. 5,540,864 ; Issued Jul.30,1996), as applied to claim 1-2 above, and further in view of Bischof et al.(US patent No. 4,666,940; issued May 19,1987), Jan.6, 1976) is withdrawn see discussion below.

The above set of rejections are withdrawn in light of applicant's claim amendments which narrow the scope of independent claim 1. Namely the amendment narrows the scope of the non-cationic antimicrobial agent to one based on o-benzyl-p-chlorophenol, narrows the scope of the solvent to C1-4 alcohols and add the limitation that at least 50 wt% of the composition is water.

Claim Objections

Claims 3, 5, and 10-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1, upon which claims 3, 5 and 10-11 all depend, recites "at least one non-cationic antimicrobial agent based on o-benzyl-p-chlorophenol". In lieu of the rejection of claim

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1 under 112 2nd (see below), this phrase can be interpreted to mean that the antimicrobial agent is o-benzyl-p-chlorophenol alone. Therefore, claim 3 fails to further limit claim 1 because it lists several other antimicrobial agents, in addition to o-benzyl-p-chlorophenol, that can be contemplated for use in the claimed invention. Claim 1 also recites for ingredient b) at least one solvent selected from C₁₋₄ alcohols. Claims 5 and 10-11 state "wherein the b) solvent is a mixture of essential oil and C₁₋₄ alcohol." Claims 5 and 10-11 are broader than the limitation set forth in claim 1 for ingredient b) since claim 1 only allows for C₁₋₄ alcohol as the solvent.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5, 10-21, 24-25 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, as presently amended, recites as ingredient g) at least 50% wt of water. The final recitation in the claim states that "the concentrate compositions are mixed with water in dilution of 1 part concentrate composition to 50-200 parts water..." Likewise, the preamble of the claim states "A hard surface cleaning concentrate composition..." It is unclear how the composition can comprise at least 50% water by weight and still be called a concentrate. The recitation of the phrase "concentrate composition" and the limitation that at least 50% by weight of the composition is water contradict one another.

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Claim 1 recites the phrase “non-cationic antimicrobial agent **based on o-benzyl-p-chlorophenol**” (emphasis added). It is unclear what is meant by this phrase. It is unclear if the non-cationic antimicrobial agent is o-benzyl-p-chlorophenol, and o-benzyl-p-chlorophenol alone, or if the non-cationic antimicrobial agent is a derivative of (i.e. based on) o-benzyl-p-chlorophenol. Furthermore, applicant has not provided clear definition as to what is meant by “based on o-benzyl-p-chlorophenol”. It is unclear how closely based on o-benzyl-p-chlorophenol an antimicrobial must be in order to meet the limitations of the claim. It is reasonable, given the current claim language, that a molecule simply having an o-benzyl-p-chlorophenol core and any other functionality, including for example, ester functionality, alkyl substitution, substitution with larger molecules like proteins, etc. all read on the claims.

Claim 24 states “wherein the d) surfactant is present in an amount of from about 0.01 to about 10wt.” It is unclear what amount of d) surfactant is contemplated for use in the claim. It is unclear if this claim intends to impart a weight percent and the percent was simply left off by accident, or if the claim intends to set forth an amount by weight.

Claim Rejections - 35 USC § 112 1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5, 10-21, 24-25 and 31-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

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contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation "at least one non-cationic antimicrobial agent based on o-benzyl-p-chlorophenol". With the exception of o-benzyl-p-chlorophenol, Applicant has not described the claimed genus of "based on o-benzyl-p-chlorophenol" in a manner that would indicate they were in possession of the full scope of the this genus.

Regarding the requirement for adequate written description of chemical entities, Applicant's attention is directed to the MPEP §2163. In particular, *Regents of the University of California v. Eli Lilly & Co.*, 119 F.3d 1559, 1568 (Fed. Cir. 1997), *cert. denied*, 523 U.S. 1089, 118 S. Ct. 1548 (1998), holds that an adequate written description requires a precise definition, such as by structure, formula, chemical name, or physical properties, "not a mere wish or plan for obtaining the claimed chemical invention." *Eli Lilly*, 119 F.3d at 1566. The Federal Circuit has adopted the standard set forth in the Patent and Trademark Office ("PTO") Guidelines for Examination of Patent Applications under the 35 U.S.C. 112.I "Written Description" Requirement ("Guidelines"), 66 Fed. Reg. 1099 (Jan. 5, 2001), which state that the written description requirement can be met by "showing that an invention is complete by disclosure of sufficiently detailed, relevant identifying characteristics," including, *inter alia*, "functional characteristics when coupled with a known or disclosed correlation between function and structure..." *Enzo Biochem, Inc. v. Gen-Probe Inc.*, 296 F.3d 316, 1324-25 (Fed. Cir. 2002) (quoting *Guidelines*, 66 Fed. Reg. at 1106 (emphasis added)). Moreover,

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although *Eli Lilly* and *Enzo* were decided within the factual context of DNA sequences, this does not preclude extending the reasoning of those cases to chemical structures in general. *Univ. of Rochester v. G.D. Searle & Co.*, 249 Supp. 2d 216, 225 (W.D.N.Y. 2003).

In the instant case, the claimed “o-benzyl-p-chlorophenol” encompasses any compound that has a o-benzyl-p-chlorophenol core. However, other than o-benzyl-p-chlorophenol, Applicants describe no other antimicrobial agent based on o-benzyl-p-chlorophenol that might be useful in the present invention and thus have not described this genus in a manner that would allow one skilled in the art to immediately envisage the compounds contemplated for use in the claimed compositions. Furthermore, applicant has not provided a quantifying definition to set for how closely or loosely based a derivative must be in order to be considered “based on o-benzyl-p-chlorophenol”. Therefore, it is unclear if the halophenol compounds of claim 3 can be considered to be “based on o-benzyl-p-chlorophenol”. Further, it is reasonable given the current claim language, that a molecule simply having an o-benzyl-p-chlorophenol core and any other functionality, including for example, ester functionality, alkyl substitution, substitution with larger molecules like proteins, etc. all read on the claims. As such, the claims lack adequate written description and this amendment also introduces new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 10, 12-15, 17, 19-20 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Moseman (US 4668419, as per applicant's IDS).

Moseman teaches a concentrate composition comprising the following ingredients (col. 4):

TABLE I

Constituent	Weight Percent
Water	59.3
Igepal ® C0-630 (30% actives)	16.5
Ninox ® -L	5.0
Soap	8.25
Pine Oil	2.5
o-Benzyl-p-chlorophenol	2.25
Tetrasodium EDTA	0.45
Glycerol	5.0
Isopropanol	0.75
	<u>100.00%</u>

Ipegal® C0-630 and Ninox® -L are non-ionic surfactants (see col. 2 line 55 through col. 3 line 12). Ipegal® C0-630 is 2-[2-(4-nonylphenoxy)ethoxy]ethanol, or an alcohol ethoxylate, as required by claim 19 and an alkylphenol ethoxylate as required by claim 20. Soap is defined in the paragraph beginning at col. 3, line 14 to mean an anionic surfactant. Isopropanol is a C1-4 alcohol (i.e. 3 carbon alcohol). With respect

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to the preamble of the claims, “a hard surface cleaning concentrate composition”, a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the instant situation, because Moseman teaches a composition containing all the requisite ingredients as claimed, it follows that it will necessarily have function as a hard surface cleaning concentrate composition. “Products of identical chemical composition can not have mutually exclusive properties.” A chemical composition and its properties are inseparable. Therefore, if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessarily present. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990).

With respect to claim 5, the composition contains a mixture of isopropanol and pine oil, which the instant specification defines as being an essential oil (see page 7, line 22). Further, with respect to claim 10, Moseman teaches at col. 3, lines 45-46 that isopropanol can be substituted for ethanol. Both isopropanol and ethanol are preferred solvents.

With respect to claims 12-13, Moseman teaches that the soap, or anionic surfactant is an alkali-metal salt of C10-C18 saturated and unsaturated fatty acids (col.

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3, lines 17-18). Alkali-metal salts of C10-C18 fatty acids falls within the claimed alkali-metal soap fatty acids containing from 8 to about 24 carbon atoms.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11, 16, 18, 21, 24, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseman (US 4668419, as per applicant's IDS) as evidenced by Cronk et al. (US 2001/0032645).

The teachings of Moseman are set forth above. In addition to that discussed above, Moseman teaches that pine oils, as well as lemon oil are fragrant and are terpene-rich oils (col. 2, lines 30-37). Cronk teaches that lemon oil contains about 95% d-limonene ([0062]).

Moseman fails to teach that the essential oil is a mixture of pine oil and d-limonene as required by claim 11, but rather teaches that both pine oil and d-limonene (from lemon oil) are acceptable terpene-rich, fragrant oils acceptable for use in the concentrated composition. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to use a combination of pine oil and d-limonene in the concentrate composition with a reasonable expectation for success. One would have been motivated to do so because both pine oil and d-limonene are taught to function as fragrant oils, both of which are terpene-rich. "It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980). Furthermore, one would be motivated to add a combination of pine oil and d-limonene to achieve a desired fragrance.

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With respect to claims 16 and 18 which require the d) surfactant to be a mixture of nonionic and anionic surfactant excluding the anionic soap of c) and to be an anionic surfactant excluding the anionic soap of c) respectively, Moseman fails to explicitly teach a composition having these surfactant mixtures, however Moseman does teach both anionic surfactants (see B., col. 3, starting at line 13) and nonionic surfactants (see A., col. 2, line 49) are suitable for use in the cleaning composition. More specifically, col. 3, line 18 states that mixtures of anionic surfactant are suitable in the composition.

The specific combination of features claimed is disclosed within the broad generic ranges taught by the reference but such “picking and choosing” within several variables does not necessarily give rise to anticipation. *Corning Glass Works v. Sumitomo Elec.*, 868 F.2d 1251, 1262 (Fed. Circ. 1989). Where, as here, the reference does not provide any motivation to select this specific combination of variables, anticipation cannot be found.

That being said, however, it must be remembered that “[w]hen a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious”. *KSR v. Teleflex*, 127 S.Ct. 1727, 1740 (2007)(quoting *Sakraida v. A.G. Pro*, 425 U.S. 273, 282 (1976). “[W]hen the question is whether a patent claiming the combination of elements of prior art is obvious”, the relevant question is “whether the improvement is more than the predictable use of prior art elements according to their established functions.” (Id.). Addressing the issue of obviousness, the Supreme Court noted that the analysis under 35 USC 103 “need not seek out precise

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teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” KSR v. Teleflex, 127 S.Ct. 1727, 1741 (2007). The Court emphasized that “[a] person of ordinary skill is... a person of ordinary creativity, not an automaton.” Id. at 1742.

Consistent with this reasoning, it would have obvious to have selected the d) surfactant to be a mixture of nonionic and anionic surfactant as in claim 16, or to be an anionic surfactant as in claim 18 from the various disclosed surfactant mixtures taught by Moseman, to arrive compositions “yielding no more than one would expect from such an arrangement”. In the instant case, one would expect the mixture of nonionic and anionic surfactant, or simply anionic surfactant to act as a cleaning solution since both nonionic and anionic surfactants as well as the mixture of the two are taught by Moseman to be cleaning agents.

With respect to claim 21 which requires the anionic soap of c) to be a sulfate or sulfonates, Moseman fails to teach a composition comprising a sulfate or sulfonates, but teaches that both sulfates and sulfonates are common anions for the anionic surfactants contemplated for use in the concentrate compositions (col. 3, line 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to substitute the alkali-metal ion surfactants for sulfate or sulfonates ion surfactants with the reasonable expectation that they too would function as cleaning agents in the resulting composition. One would be motivated to do so since both alkali-

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metal ion and sulfate or sulfonate containing surfactants are taught to be anionic surfactants or soaps.

With respect to claim 24 which recites wherein the d) surfactant is present in an amount of from about 0.01 to about 10 wt., Moseman teaches from about 2 to 20 wt%, more preferably from 5 to 15%. The amount taught by Moseman overlaps with, and thereby makes obvious the range of claim 24. Generally, differences in concentration or temperature will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such concentration or temperature is critical. “[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation.” *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

With respect to claim 25 which requires the presence of at least one alkanolamine, Moseman teaches that possible anionic surfactants include the ethanolamine salts of C10-C18 saturated and unsaturated fatty acids, including the diethanol amine salts of linoleic acid, and myristic acid and the triethanol amine salts of coconut fatty acid, myristic acid, oleic acid, palmitic acid and stearic acid (col. 3, lines 23-30). Moseman fails to teach a composition specifically comprising ingredients a) through d) and e), but rather teaches that combinations of anionic surfactant may be utilized as mentioned above (also col. 3, line 18). As discussed above, it would have obvious to have included an ethanolamine surfactant, which is an alkanolamine, to the composition since these surfactants are taught to be acceptable cleaning agents. One would expect that its addition to the composition would result in a composition also

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useful as a cleaning composition since anionic surfactants as well as mixtures thereof are taught by Moseman to be cleaning agents.

Finally, with respect to claim 32, Moseman in Table 1 teaches an amount of 8.25 wt. % soap surfactant and 2.5 wt % pine oil, whereas the claim requires 2.8-8wt% anionic soap surfactant and 1.25-6 wt. % pine oil. The amount of soap in the working example of Moseman is slightly larger than the amount required by the claim. However, Moseman also teaches that an acceptable range of anionic soap surfactant is from 2.5 to 15 wt. % or more preferably from 5 to 10 wt. % (col. 3, lines 66-67). The amount taught by Moseman overlaps with, and thereby makes obvious the range of claim 32. One would be motivated to adjust the amount of anionic surfactant depending on the desired cleaning power of the resulting mixture, see col. 2, lines 43-47.

Conclusion

Claims 1, 3, 5, 10-21, 24-25 and 31-32 are rejected. No claim is allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kortney Klinkel, whose telephone number is (571)270-5239. The examiner can normally be reached on Monday-Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila Landau can be reached at (571)272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KLK

/Sharmila Gollamudi Landau/

Supervisory Patent Examiner, Art Unit 1611